PATENT COOPERATION TREATY.

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WIPC	PCT	

From the:
INTERNATIONAL SEARCHING AUTHORITY

Davies Collison Cave Level 15 1 Nicholson Street MELBOURNE VIC 3000 Applicant's or agent's file reference 12557510 Applicant's or agent's file reference 12557510 Applicant's or agent's file reference 12557510 International application No. PCT/AU2005/000037 14 January 2005 International application No. POT/AU2005/000037 International Pattent Classification (IPC) or both national classification and IPC Int. Cl. 'Bullet 716, B02C 13/14, 19/06, B04B 5/12, C02F 1/38, F26B 11/14, B09B 3/00 Applicant ADVANCED GRINDING TECHNOLOGIES PTY LIMITED et al 1. This opinion contains indications relating to the following items: Box No. II Box No. II Box No. II Box No. III Box No. VII Catching and relations adeephandous supporting gach statement Box No. VII Certain decements cited Box No. VII Certain defects in the international application Power of the file of the policion of the international application Power of the international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority (TPEA) except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has motional Bureau under Rule 64, 164, 164, 164, 164, 164, 164, 164,	INTERNATIONAL SEARCHING AUTHORIT	· · · · · · · · · · · · · · · · · · ·	1		
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PO BOX 200, WODEN ACT 2606, AUSTRALIA JONATHAN LEWIS		LIA	JONATHAN LE	WIS	
E-mail address: pct@ipaustralia.gov.au Facsimile No. (02) 6285 3929 Telephone No. (02) 6283 2063	E-mail address: pct@ipaustralia.gov.au		· - · · · · ·	·	

International application No.

PCT/AU2005/000037

Box No. I -	Basis of the opinion
	d to the language, this opinion has been established on the basis of the international application in the language in as filed, unless otherwise indicated under this item.
the fo	opinion has been established on the basis of a translation from the original language into llowing language, which is the language of a translation furnished for the purposes of attional search (under Rules 12.3 and 23.1(b)).
	d to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the vention, this opinion has been established on the basis of:
a. type of	material
	a sequence listing
	table(s) related to the sequence listing
b. format	of material
	in written format
	in computer readable form
c. time of	filing/furnishing
	contained in the international application as filed.
	filed together with the international application in computer readable form.
	furnished subsequently to this Authority for the purposes of search.
filed	dition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been or furnished, the required statements that the information in the subsequent or additional copies is identical to that application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional	comments:
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	•
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International application No.

PCT/AU2005/000037

Box No. IV Lack of unity of invention
1. In response to the invitation (Form PCT/ISA/206) to pay additional fees the applicant has:
paid additional fees
paid additional fees under protest
not paid additional fees
2. This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rule 13.1, 13.2 and 13.3 is
complied with
x not complied with for the following reasons:
The international application does not comply with the requirements of unity of invention because it does not relate to one invention or a group of inventions linked so as to form a single general inventive concept. In coming to this conclusion the International Searching Authority has found that there are different inventions as follows:
1. Claims 1-45 and 47-49. These claims disclose a feed material processing apparatus comprising a chamber, an inlet at the upper region of the chamber, a rotor rotatable about a substantially vertical axis, prompting a circulatory flow of feed material and/or gas, and an outlet in the lower region of the chamber. It is considered that a feed material processing apparatus with these features constitutes a first "special technical feature".
2. Claim 46 and 63-65. This claim discloses a milling apparatus comprising a chamber, an inlet at the upper region of the chamber, a rotor rotatable about a substantially vertical axis, prompting a circulatory flow of feed material and/or gas, and an outlet in the lower region of the chamber. It is considered that a milling apparatus constitutes a second "special technical feature".
3. Claims 50-56. These claims disclose a method for producing a powdered, granulated and/or dried food comprising introducing a feed material to a device comprising a chamber, an inlet at the upper region of the chamber, a rotor rotatable about a substantially vertical axis, prompting a circulatory flow of feed material and/or gas, and an outlet in the lower region of the chamber. It is considered that producing a powdered, granulated and/or dried food constitutes a third "special technical feature".
4. Claims 57-59. These claims disclose a method for processing a waste material comprising introducing waste material to a device comprising a chamber, an inlet at the upper region of the chamber, a rotor rotatable about a substantially vertical axis, prompting a circulatory flow of feed material and/or gas, and an outlet in the lower region of the chamber.
Continued on supplemental sheet
4. Consequently, this opinion has been established in respect of the following parts of the international application:
X all parts
the parts relating to claims Nos.

International application No.

PCT/AU2005/000037

Box No. V		ler Rule 43 <i>bis.</i> 1(a)(i) with regard to novelty, inventive step or industrial nd explanations supporting such statement				
1. Statement						
No	ovelty (N)	Claims ·	YES			
		Claims 1-65	NO			
In	ventive step (IS)	Claims	YES			
		Claims 1-65	NO			
In	dustrial applicability (IA)	Claims 1-65	YES.			
•		Claims	. NO			

2. Citations and explanations:

D1: Derwent Abstract Accession No. 98-540702/46, RU 2108160 C1 D11: DE 20215158

D2: DE 3002429

D3: AU 19540/00

D13: EP 1273341

D14: AU 15002/97

D14: US 5538342

D5: DE 3916258

D15: Patent Abstracts of Japan, JP 2002-035562

D6: Patent Abstracts of Japan, JP 2002-059144

D7: US 4650343

D17: Patent Abstracts of Japan, JP 2002-282723

D18: Patent Abstracts of Japan, JP 2002-282723

D8: US 4799595

D18: Patent Abstracts of Japan, JP 2003-093909

D9: US 2003/0197080

D19: Derwent Abstract Accession No. 2003-595298/56

D10: US 2002/0064086

D20: Derwent Abstract Accession No. 97-200542/18

Novelty and Inventive Step (Claims 1-65)

Documents D1-D20 disclose various examples of processing apparatus, all of which feature a chamber, and inlet, an outlet and a rotor rotated about a vertical axis. The apparatus of documents D1-D20 are used for a wide variety of purposes, such as milling or grinding, mixing, blending, separation, drying and sterilisation. As a result, Claims 1-65 lack novelty and inventive step in light of documents D1-D20. It should also be noted that the cited documents are by no means an exhaustive list of potential citations, but are merely a selection of the many relevant prior art documents.

Industrial Applicability (Claims 1-65)

The current claims are directed towards a processing apparatus and therefore have industrial applicability.

International application No.

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x No. VI Certain docu	ments cited		
Certain published document	ts (Rules 43 <i>bis</i> .1 and 70.10)		
Application No. Patent No.	Publication date (day/month/year)	Filing date (day/month/year)	Priority date (valid claim) (day/month/year)
WO 2004/067468	12 August 2004	26 January 2004	29 January 2003
US 2004/0218464	4 November 2004	2 May 2003	2 May 2003
WO 2004/041442	21 May 2004	24 October 2003	4 November 2002
DE 10308500	23 September 2004	26 February 2003	26 February 2003
WO 2004/091797	28 October 2004	16 April 2004	17 April 2003
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ese documents disclose all	the essential features of Claim	s 1-65.	
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Non-written disclosures (Ru	ules 43 <i>bis</i> .1 and 70.9)	· · · · · · · · · · · · · · · · · · ·	
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International application No.

PCT/AU2005/000037

Box No. VIII	Certain observat	ions on the inter	national application		
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The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:
1. Due to the very broad scope of the independent claims of this application the search was restricted for economic reasons. Claim 1, for instance, merely defines a processing apparatus comprising a chamber, an inlet and outlet and a rotor that is rotatable about a substantially vertical axis by a rotation drive. The search produced a very large number of potential citations across a wide range of different art, so it was necessary to restrict the search. As a result, the documents cited in the International Search Report merely represent a selection of relevant art, and should by no means be considered an exhaustive list of potential citations.
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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: Box IV

It is considered that processing a waste material constitutes a fourth "special technical feature".

5. Claims 60-62. These claims disclose a method of water purification comprising introducing water to a device comprising a chamber, an inlet at the upper region of the chamber, a rotor rotatable about a substantially vertical axis, prompting a circulatory flow of feed material and/or gas, and an outlet in the lower region of the chamber. It is considered that a water purification method constitutes a fifth "special technical feature".

These groups are not so linked as to form a single inventive concept, that is, they do not have any common inventive features, which define a contribution over the prior art. The common concept linking these groups of claims is the features of a chamber, an inlet at the upper region of the chamber, a rotor rotatable about a substantially vertical axis, prompting a circulatory flow of feed material and/or gas, and an outlet in the lower region of the chamber. However, this concept is not novel in the light of the following references:

- 1. Perry, R.H. and Green, D.W. <u>Perry's Chemical Engineers' Handbook</u>. 7th Edition, McGraw-Hill, 1997. See Figure 7-4 (f), Page 7-16.
- 2. Perry, R.H. and Green, D.W. Perry's Chemical Engineers' Handbook, 7th Edition, McGraw-Hill, 1997. See Figure 18-72, Page 18-51.
- 3. Perry, R.H. and Green, D.W. Perry's Chemical Engineers' Handbook, 7th Edition, McGraw-Hill, 1997. See Figure 18-109, Page 18-90.
- 4. McCabe, W.L. et al. <u>Unit Operations of Chemical Engineering</u>, 5th Edition, McGraw-Hill, 1993. See Figure 9.1, Page 236.
- 5. McCabe, W.L. et al. <u>Unit Operations of Chemical Engineering</u>, 5th Edition, McGraw-Hill, 1993. See Figure 30.11, Page 1012.
- 6. Degremont, S.A. Water Treatment Handbook, Stephen Austin and Sons, 1973. See Figure 77, Page 131.
- 7. Coulson, J.M. and Richardson, J.F. Chemical Engineering Volume Two, 2nd Edition, Pergamon, 1976. See Figure 16.18, Page 658.

Consequently the common features do not constitute a "special technical feature" within the meaning of PCT Rule 13.2, second sentence, since they make no contribution over the prior art. Since there exists no other common feature which can be considered as a special technical feature within the meaning of PCT Rule 13.2, second sentence, no technical relationship within the meaning of PCT Rule 13 between the different inventions can be seen. Therefore, a posteriori, the claims do not satisfy the requirement of unity of invention.